THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34288 of 1998

DATE: 30-03-2007

Between :

Dasugari Lingamma

… Petitioner

And

The Andhra Pradesh Industrial Development
Corporation Limited,
Rep., by Managing Director,
Hyderabad.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 34288 of 1998

ORDER:

This writ petition was filed on 08-12-1998 seeking a declaration that the action of the respondent-Andhra Pradesh Industrial Development Corporation in issuing the sale notice dated 02-12-1998 proposing to sell Ac.1.16 guntas of land belonging to the petitioner situated in Sy.No.4 of Karmanghat village, is arbitrary and illegal.

It was contended by the petitioner that he is the absolute owner and possessor of the said land admeasuring Ac.1.16 guntas in Sy.No.4 of Karmanghat village, which was proposed to be sold under the impugned notice issued by the respondent illegally.

The impugned sale notice shows that a total extent of Ac.3.16 guntas situated in Sy.No.4 was proposed to be sold under Section 28 of Andhra Pradesh State Finance Corporation Act, 1951 describing the same as property belonging to Koratla Builders (India) Limited, Hyderabad, which was offered as security to the Corporation. The petitioner contended that his land of Ac.1.16 guntas has nothing to do with the land offered as surety by the said Koratla Builders (India) Limited and the said fact was already informed to the respondent-Corporation by issuing a legal notice dated 03-12-1998.

Having regard to the facts and circumstances, this Court, while directing Rule Nisi, passed an interim order in WP.MP.No.42189 of 1998 dated 09-12-1998 as under:

> "There shall be an interim stay of all further proceedings pursuant to the sale notice published by the respondents in Eenadu Daily News Paper on 02-12-1998 to an extent of Ac.1.16 guntas in Sy.No.4 of Karmanghat village, Saroornagar Mandal, R.R. District, pending further orders. It shall be open to the respondents to proceed with the auction with regard to the remaining extent of Ac.2.00 in Sy.No.4 of Karmanghat village."

The said order continued to be in operation through out and no counter affidavit has been filed so far by the respondents.

Having regard to the facts and circumstances of the case and in the absence of any counter affidavit contradicting the version of the petitioner that he is the absolute owner of the land in question, which has nothing to do with the land offered as security to the Corporation, the writ petition is allowed as prayed for. No costs.

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G. ROHINI, J

Dt.30-03-2007
KLP